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CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
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PUBLIC DISCLOSURE

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

United States of America,
Plaintiff,
v.

Jeffrey Harbin,
Defendant.

No. **CR '11 0163 PHX NVW ECV**
INDICTMENT

VIO: 26 U.S.C. §§ 5861(d) & 5871
(Unlawful Possession of
Unregistered Destructive
Devices)
Counts 1 & 2

18 U.S.C. §§ 842(a)(3)(A) &
844(a)(1)
(Unlawful Transportation of
Explosive Materials)
Count 3

26 U.S.C. § 5872 and 28 U.S.C. §
2461(c)
(Forfeiture Allegation)

THE GRAND JURY CHARGES:

COUNT 1

On or about January 14, 2011 in the District of Arizona, defendant, JEFFREY HARBIN, did knowingly possess one (1) destructive device, a firearm as defined in Title 26, United States Code, Sections 5845(a)(8) and (f)(1)(A) & (B), that is, a grenade-like object built using a Polyvinyl Chloride ("PVC") encasement filled with a black powder consistent with modern gunpowder, ball bearings and an improvised fusing system; which was not registered to the defendant in the National Firearms Registration and Transfer Record as required by Title 26, United States Code, Section 5841.

1 In violation of Title 26, United States Code, Sections 5861(d) and 5871.

2 **COUNT 2**

3 On or about January 14, 2011 in the District of Arizona, defendant, JEFFREY HARBIN,
4 did knowingly possess eleven (11) destructive devices, all firearms as defined in Title 26, United
5 States Code, Sections 5845(a)(8) and (f)(1)(A) & (B), that is, grenade-like objects built using
6 a Polyvinyl Chloride ("PVC") encasement filled with black powder consistent with modern
7 gunpowder, ball bearings and an improvised fusing system; which were not registered to the
8 defendant in the National Firearms Registration and Transfer Record as required by Title 26,
9 United States Code, Section 5841.

10 In violation of Title 26, United States Code, Sections 5861(d) and 5871.

11 **COUNT 3**

12 On or about January 14, 2011, in the District of Arizona, the defendant, JEFFREY
13 HARBIN, not being a licensee or permittee under the provisions of Chapter 40 of Title 18 of the
14 United States Code, knowingly transported explosive material, that is, a grenade-like object built
15 using a Polyvinyl Chloride ("PVC") encasement filled with black powder consistent with
16 modern gunpowder, ball bearings and an improvised fusing system.

17 In violation of Title 18, United States Code, Sections 842(a)(3)(A) and 844(a).

18 **FORFEITURE ALLEGATION**

19 The allegations contained in Counts 1 and 2 of this Indictment are hereby realleged and
20 incorporated by reference for the purpose of alleging forfeitures pursuant to Title 26, United
21 States Code, Section 5872 and Title 28, United States Code, Section 2461(c).

22 Upon conviction of the offenses in violation of Title 26, United States Code, Section
23 5861(d) set forth in Counts 1 and 2 of this Indictment, the defendant, shall forfeit to the United
24 States pursuant to Title 26, United States Code, Section 5872 and Title 28, United States Code,
25 Section 2461(c), any firearms involved in the commission of the offense, including, but not
26

1 limited to, (1) any and all grenade-like objects built using a Polyvinyl Chloride ("PVC")
2 encasement filled with black powder consistent with modern gunpowder, ball bearings and an
3 improvised fusing system; and (2) any combination of parts either designed or intended for use
4 into converting any device into a destructive device, including, but not limited to, PVC pipes,
5 end caps, gunpowder, ball bearings and fusing systems.

6 If any of the property described above, as a result of any act or omission of the defendant:

- 7 a. cannot be located upon the exercise of due diligence;
8 b. has been transferred or sold to, or deposited with, a third party;
9 c. has been placed beyond the jurisdiction of the court;
10 d. has been substantially diminished in value; or
11 e. has been commingled with other property which cannot be divided without
12 difficulty, the United States of America shall be entitled to forfeiture of substitute
13 property pursuant to Title 21, United States Code, Section 853(p), as incorporated
14 by Title 28, United States Code, Section 2461(c).
15

16 All pursuant to 26 U.S.C. § 5872 and 28 U.S.C. § 2461(c).
17

18 A TRUE BILL

19 /s/

20 _____
FOREPERSON OF THE GRAND JURY

21 Date: January 25, 2011

22 DENNIS K. BURKE
23 United States Attorney
24 District of Arizona

25 /s/

26 _____
27 JOSH PATRICK PARECKI
28 Assistant U.S. Attorney